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**Federal Communications Commission**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

WASHINGTON, D. C. 20554

ORIGINAL

In the Matter of )

Preemption of State and Local Zoning )  
and Land Use Restrictions on the Siting, )  
Placement and Construction of Broadcast )  
Station Transmission Facilities )

MM Docket No. 97-182

To: The Commission

**COMMENTS OF PILLAR OF FIRE**

Pillar of Fire ("Pillar"), licensee of FM Broadcast Station WAWZ, Zarephath, New Jersey hereby comments on the proposals contained in the Commission's Notice of Proposed Rule Making (MM Docket No. 97-182), FCC 97-296 (released August 19, 1997). Pillar enthusiastically supports the Commission's proposals looking toward the preemption of local ordinances that "stand as an obstacle to the institution and improvement of radio and television broadcast service." In support of the Commission's proposals, the following is stated:

1. Pillar of Fire is the licensee of FM Broadcast Station WAWZ located in Zarephath, New Jersey. As described in more detail in the attached Declaration of Reverend S. Rea Crawford (Exhibit No. 1), Station WAWZ has owned property on the Watchung Mountain Range since 1968. Although the property was zoned for residential use, homes were not built in the nearby area until after WAWZ was able to obtain a use variance to place a new 226 foot broadcast tower on the property.

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2. In approximately 1987, Pillar of Fire commenced its still on-going effort to obtain authority from the local townships to replace the 226 foot tower with a new higher tower to be located within 100 feet of the existing tower. Pillar had obtained the required land and a construction permit from the Commission for the new facility. However, the local Board of Adjustments denied Pillar's request citing concerns over property values, RF radiation and aesthetic beauty. Pillar appealed the ruling, but a higher court denied the appeal. Exhibit No. 1.

3. In an attempt to satisfy the need for improved coverage for WAWZ as well as the growing need for local 911 emergency radio and the need for police, fire and EMS communications, Pillar in 1995 proposed a new 440 foot tower, again located approximately 100 feet from its present tower. In addition to replacing the existing WAWZ tower, the new facility would permit local governmental authorities to co-locate their antennas on the new tower thereby eliminating another existing tower that was utilized by the local governments. As such, the proposal would establish a new tower and dismantle two existing towers in the immediate vicinity. This would be accomplished at no charge to the existing governmental units. Pillar's proposal is still undergoing local hearings and facing opposition from local residents concerned about their property values and the aesthetic beauty of the antenna, in spite of the fact that Pillar's proposal would eliminate two other towers.

4. Over the last ten years Pillar has expended an excess of \$650,000 seeking local approval for its proposed new tower.

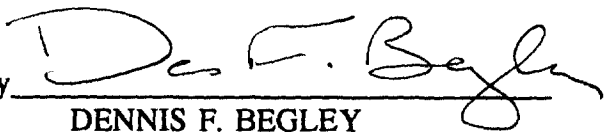
5. Also attached are numerous newspaper articles illustrating the resistance Pillar has met at the local level. Additionally, in some instances the local Board officials have shown an utter disregard for any FCC regulations concerning the tower. In effect, some local officials have

taken the attitude that they simply do not care about the Commission's requirements. The local officials will make the final determination on all matters concerning the tower to include RF radiation, electromagnetic interference, etc. See, e.g. October 15, 1997 Courier-News article.

6. Accordingly, Pillar hereby strongly supports the Commission's adoption of the NAB proposed rules to expedite and streamline the local processes by which broadcasters may obtain approval to replace or modify existing towers. There is simply no justification for local authorities to hold up the construction of a new tower, especially in the immediate vicinity of an existing tower, where the required FCC and FAA clearances have been obtained. Permitting this process to continue beyond a month or two simply embroils the licensee in local politics and seriously impedes or denies its ability to construct a new tower in a timely fashion.

Whereas, Pillar of Fire strongly supports the Commission's proposed rules to preempt in certain circumstances the state and local laws and ordinances concerning the construction of broadcast transmission facilities.

PILLAR OF FIRE

By   
DENNIS F. BEGLEY  
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October 30, 1997

10/30/97 THU 14:34 FAX 6099858124  
10/22/97 11:42 FAX 908 271 1968  
SENT BY:

Communications Tech Inc  
WAWZ-PILLAR OF FIRE  
10-22-97 10:29AM : Pepper & Corazzini-

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Exhibit No.1

**DECLARATION OF REVEREND S. REA CRAWFORD**

I, Reverend S. Rea Crawford, am a Trustee of Pillar of Fire, the licensee of WAWZ(FM), Zarephath, New Jersey ("WAWZ" or "Station").

In 1968, Pillar of Fire owned property on the Watchung Mountain range, which consisted of two and one-half acres. Although the property was zoned for residential use, homes were not built in the area for 20 years and Pillar of Fire was able to obtain a use variance to place a 226 feet broadcast tower on the property.

In approximately 1987, Pillar of Fire sought authority to replace the existing tower with a 376 feet tower (to be located within 100 feet of the original tower). Pillar of Fire also acquired additional acreage, bringing the total acreage of the Watchung Mountain site to 17 acres in Bridgewater and Bernards Townships. The local Board of Adjustments denied Pillar of Fire's requests due to concerns over property values, radiofrequency radiation, and aesthetic beauty even though the new tower would only replace an existing tower. In 1988, Pillar of Fire went before a higher court to appeal the decision and were denied.

In order to address these concerns, Pillar of Fire began again and sought authority from the Bridgewater Board of Adjustments to build a new 440 feet tower with co-location capabilities, in late 1995. This tower is to be located one

hundred feet away from the present tower. In addition to providing co-location for FM broadcast, cellular, PCS, paging, and two-way radio, Pillar of Fire proposes to replace the old WAWZ tower, among other things. Addressing concerns over aesthetic beauty and property values, the proposed tower will replace two existing towers in the area with one tower. Additionally, it will serve the community by housing emergency communications systems (e.g., Bridgewater Police "911" emergency, Fire Departments, EMS services) at no charge to the communities. Pillar of Fire even paid approximately \$30,000 for a rendering of a visual impact study by the New School for Urban Studies to further respond to community concerns about property values and aesthetic beauty.

Thus far, Pillar of Fire's efforts to replace the WAWZ tower has taken over ten years and cost between \$150,000 to \$175,000 for the first round ending in the 1988 appeal and an additional \$507,000 (approximately) seeking approval for its present proposal. Although this matter is still pending (and as such a favorable outcome is still possible), I support the adoption of Commission rules that will expedite (or replace) the local processes by which broadcasters must obtain approval to replace or modify existing towers.

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10/22/97 11:42 FAX 908 271 1968  
SENT BY:

Communications Tech Inc  
WALL PILLAR OF

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10-22-97 :10:30AM : Pepper & Corazzini-

908 271 1968: # 4/ 4

I, Reverend S. Rea Crawford, do hereby certify that the foregoing is true and correct to the best of my knowledge.

10/22/97

Date

S. Rea Crawford

Reverend S. Rea Crawford

**Exhibit No. 2**

**LOCAL NEWSPAPER ARTICLES ILLUSTRATING  
LOCAL GOVERNMENT AND RESIDENT RESISTANCE**

# WAWZ says tower will boost audience

10/15/97

*On front page of SOMERSET SECTION (ENLARGED 25%)*

By DAVID BEHREND  
Courier-News Staff Writer

BRIDGEWATER — A controversial 440-foot communications tower proposed by the Pillar of Fire church would extend the signal of its radio station to hundreds of thousands of homes and reach beyond Central Jersey.

The Bridgewater Board of Adjustment continued to hear testimony Tuesday from an engineer working for the church, which now broadcasts its WAWZ 99.1 FM radio signal from a 226-foot tower at the site.

The meeting marked the sixth round of hearings on the proposal.

The new tower would add more than 900,000 potential listeners to the station's coverage area, mostly in Monmouth County and the Trenton area, said Clarence Beveridge, an engineer working for Pillar of Fire. The Pentecostal church is based in the Zarephath section of Franklin. They reach a potential audience of 9.96 million people now.

Pillar of Fire attorney Michael Inzelbuch said the church needs to build the taller tower to meet Federal Communications Commission requirements. Those rules say a station must maximize its ability to reach listeners or face challenges

from rivals who will try to take its license.

But some board members said they would make their ruling independent of federal guidelines.

"Just because the FCC says something, I place no credence in that locally," board member Patrick Scaglione said.

The existing tower would be torn down if the application is approved. The new tower would be used by the church for its radio station and by the county for its 911 system.

The taller tower also would reduce areas hit by interference within the existing coverage area, Beveridge said.

That would allow more drivers on Interstates 287 and 78, along with Route 22, to receive the station clearly in their cars.

The church's quest for a taller tower has been plagued by controversy.

The Mount Horeb Road site was the focus last year of a controversial land swap between the church and the Somerset County Board of Freeholders.

A citizens' group — the Tri-Township Committee for a Beautiful Ridge — has been battling the tower for more than a year.

The station broadcasts Christian music, talk shows and other programming.

## Inside:

Classified, C-4

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## Local briefs

### Bridgewater tower hearings scheduled

**BRIDGEWATER** — Hearings on a controversial proposed communication tower off Mount Hope Road are a long way from being finished.

The Zoning Board will hold a special meeting Oct. 14 to continue discussion of the 440-foot tower proposed by the Pillar of Fire church, board Chairman Axel Velden said. The board will also deal with the tower at its regularly scheduled Oct. 21 meeting.

Pillar of Fire has proposed using the tower to broadcast its radio station, WAWZ, and Somerset County has expressed interest in using it for 911 communications. The church would tear down its existing 226-foot tower.

The Oct. 14 hearing will give the group opposing the tower — the Tri-Township Committee for a Beautiful Ridge — a chance to question the experts who testified Tuesday, Velden said.

— David Behrend

# Expert: Homes won't be affected

By DENISE VALENTI  
Courier-News Staff Writer

**BRIDGEWATER** — An appraisal expert testified Tuesday night that a 440-foot communication tower proposed off Mount Horeb Road would have no negative impact on area property values.

Eugene Flaherty told the Zoning Board that communication towers in residential areas have an unmeasurable impact on property values, generally about 3 percent or less. Flaherty is also employed as an assessor in Somerville and North Plainfield.

Three witnesses testified Tuesday night on behalf of Pillar of Fire church, which wants to tear down its 226-foot tower and replace it with the taller tower.

The meeting was the third so far; two more are scheduled and more may still be needed.

About 30 people attended, including representatives of the Tri-Township Committee for a Beautiful Ridge, who have been fighting the project for several years.

Pillar has proposed using the tower for its radio station, WAWZ, and also to improve Somerset County's 911 system. Space on the tower could also be rented for a variety of smaller communications antennae.

Board Chairman Axel Velden said the church hasn't even gotten into the meat and potatoes of its testimony: why the tower has to be so high and why it is necessary.

"I don't know if we'll do it in six meetings," he said.

Tuesday's testimony revolved around the impact of the tower on nearby homes.

After hearing testimony that the tower would have a negligible impact, a board member asked what types of quality of life issues would impact a home's value.

☐ See HOMES on Page B-3

THE COURIER-NEWS

8-27-97

## HOMES: Not affected

☒ Continued from Page B-1

Flaherty said a busy street nearby might have that effect.

Flaherty's testimony was contradicted somewhat by the testimony of Robert Vance, a professional real estate appraiser, who said in some areas a large tower might impact property values negatively. But he also gave examples of home sale prices in areas with existing towers, demonstrating that they have risen over the years.

A third witness testified about the structural soundness of the tower, but admitted he was basing his testimony on the reputation of the company rather than an independent review of the plans.

Donald Neubauer, a Maryland engineer who has worked with communications towers for the past 20 years, testified that the proposed tower could hold up to 390 antennas and could withstand 85 mph winds at ground level.